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Date of Deposit: June 25, 2003

PATENT  
CASE NO. 6298/432

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
George Baran )  
 )  
Serial No. To be Assigned )  
 )  
Filed: Herewith )  
 )  
For: NEBULIZING CATHETER )  
SYSTEM AND METHODS OF )  
USE AND MANUFACTURE )

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to the obligation under 37 C.F.R. § 1.56 and in conformance with 37 C.F.R. § 1.97-1.99, Applicant hereby submits the following list of references for consideration by the Examiner.

All of the references listed below and on the enclosed PTO-1449 were previously cited by the Examiner or submitted by Applicant in prior Application Serial Nos. 09/265,603, 08/787,913, and 08/261,866 to which Applicant claims priority under 35 U.S.C. § 120. Accordingly, copies of these previously cited or submitted references are not provided in this Information Disclosure Statement as permitted by 37 C.F.R. § 1.98(d).

## U.S. PATENTS

Document No.	Date	Inventor
829,952	09/04/1906	W. M. Dean
852,154	04/30/1907	M. Bariffi
2,638,096	05/12/1953	E. A. Waldhaus
3,788,326	01/29/1974	Jacobs
3,144,868	08/18/1964	M. E. Jasclevich
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4,488,548	12/18/1984	Agdanowski
4,584,998	4/1986	McGrail
4,622,968	11/18/1986	Persson
4,646,733	03/03/1987	Stroh et al.
4,655,746	4/1987	Daniels et al.
4,661,110	04/28/1987	Fortier et al.
4,669,463	6/1987	McConnell
4,690,138	09/01/1987	Heyden
4,739,756	4/1988	Horn
4,805,609	02/21/1989	Roberts et al.
4,819,664	4/1989	Nazari
4,821,714	4/1989	Smelser
4,829,996	5/1989	Noakes et al.
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6,237,597 B1	05/29/2001	Kovac
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### **FOREIGN DOCUMENTS**

<b>Document No.</b>	<b>Date</b>	<b>Country</b>
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0 289 336 A2	2/1988	Europe
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185442	08/1966	Russia (USSR)
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Hoover et al., "A Microspray Nozzle for Local Administration of Liquids or Suspensions to Lung Airways via Bronchoscopy," *Journal of Aerosol Medicine*, vol. 6, #2, 1993.

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Carlton, Graziano C.; Barker, Robert L.; Benua, Richard S.; Guy, Yvonne G; Airway Humidification With High-Frequency Jet Ventilation, *Critical Care Medicine*, vol. 13, No. 2, (1985).

Aiache, Jean-Marc; The Ideal Drug Delivery System: A Look into the Future, *Journal of Aerosol Medicine*, vol. 4, No. 4, 1991.

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Niven, Ralph W.; Kacmarek, Robert M.; Brain, Joseph D.; Peterfreund, Robert A.; Small Bore Nozzle Extensions to Improve the Delivery Efficiency of Drugs from Metered Dose Inhalers: Laboratory Evaluation. *Am Rev Respir Dis*, vol. 147. pp. 1590-1594, 1993.

Taylor, Robert H.; Lerman, Jerrold; Chambers, Carole; Dolovich, Myrna; Dosing Efficiency and Particle-Size Characteristics of Pressurized Metered-Dose Inhaler Aerosols in Narrow Catheters. Presented at Annual Meeting American Society of Anesthesiologist, Las Vegas, Oct. 1990.

Hess, Dean; Inhaled Bronchodilators During Medical Ventilation: Delivery Techniques, Evaluation of Response, and Cost Effectiveness, *Respiratory Care*, vol. 39 No. 2, Feb. 1994.

Judson, Marc A.; Sahan, Steven A.; Mobilization of Secretions in ICU Patients, *Respiratory Care*, vol. 39 No. 3, Mar. 1994.

Copy of packaging for "ENDO-JET by Autovage", believed to have been published prior to June 14, 1994, 2 pages.

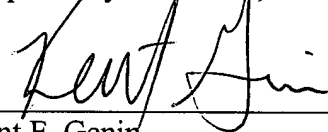
Copy of packaging for "EMT Emergency Medicine Tube", by Mallinckrodt Medical, dated January 1993, 4 pages.

#### EXPLANATION OF THE REFERENCES

As of the day of filing of this information disclosure statement, a first office action on the merits has not been received by the undersigned. Accordingly, no fee for consideration of the information provided with this disclosure statement is included herewith, as permitted by 37 C.F.R. § 1.97(b)(3). However, if an office action on the merits is mailed on a date prior hereto, Applicant hereby requests and authorizes the Commissioner to charge Deposit Account 23-1925 for the appropriate fee of \$180 as set forth in 37 C.F.R. § 1.97(c) for consideration of the information set forth in this disclosure statement.

Applicant requests to have these references included in the record of this application. Applicant further requests that the Examiner review the entire disclosure of each reference. Applicant does not represent any of these references to be prior art and Applicant reserves the right to disqualify any references by the showing of an earlier date of invention, if appropriate.

Respectfully Submitted,



Kent E. Genin  
Reg. No. 37,834  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. Box 10395  
Chicago, IL 60610  
(312) 321-7732

FORM PTO-1449	SERIAL NO. To be Assigned	CASE NO. 6298/432
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE Herewith	GROUP ART UNIT
(use several sheets if necessary)	APPLICANT(S): George Baran	

**REFERENCE DESIGNATION                      U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	829,952	09/04/1906	W. M. Dean		
	A2	852,154	04/30/1907	M. Bariffi		
	A3	2,638,096	05/12/1953	E. A. Waldhaus		
	A4	3,788,326	01/29/1974	Jacobs		
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	A8	4,327,721	05/04/1982	Goldin et al.		
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	A10	4,584,998	4/1986	McGrail		
	A11	4,622,968	11/18/1986	Persson		
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	A13	4,655,746	4/1987	Daniels et al.		
	A14	4,661,110	04/28/1987	Fortier et al.		
	A15	4,669,463	6/1987	McConnell		
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	A17	4,739,756	4/1988	Horn		
	A18	4,805,609	02/21/1989	Roberts et al.		
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	A23	4,840,172	06/20/1989	Augustine et al.		
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	A26	4,945,929	8/1990	Egilmex		
	A27	4,955,375	9/1990	Martinez		
	A28	5,012,804	5/7/1991	Foley et al.		
	A29	5,025,806	6/1991	Palmer et al.		
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	A31	5,031,613	7/1991	Smith et al.		
	A32	5,049,137	9/1991	Thompson		
	A33	5,060,646	10/1991	Page		
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	A34	5,062,423	11/1991	Matson et al.		
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	A79	6,237,597 B1	05/29/2001	Kovac		
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	A95	GB 2 268 286	09/1992	Great Britain			
	A96	185442	08/1966	Russia (USSR)			
	A97	812296	03/1981	Russia (USSR)			

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A98	Hoover et al., "A Microspray Nozzle for Local Administration of Liquids or Suspensions to Lung Airways via Bronchoscopy," <i>Journal of Aerosol Medicine</i> , vol. 6, #2, 1993.
	A99	Wheeldon et al., Aerosolized Endotoxin in Animals, (1992).
	A100	Carlton, Graziano C.; Barker, Robert L.; Benua, Richard S.; Guy, Yvonne G; Airway Humidification With High-Frequency Jet Ventilation, <i>Critical Care Medicine</i> , vol. 13, No. 2, (1985).
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